

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>MARSHALL SPIEGEL, individually</b>	)	
<b>and on behalf of a class of those</b>	)	<b>Case No. 15-cv-08504</b>
<b>similarly situated,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>JAMES T. REYNOLDS, JIM REYNOLDS,</b>	)	
<b>KRISTINA HIXSON, and ASSOCIATED</b>	)	<b>Hon. Edmond E. Chang</b>
<b>COMMUNITY SERVICES, INC.</b>	)	
	)	<b>Mag. Judge Jeffrey T. Gilbert</b>
<b>Defendants.</b>	)	

**JAMES T. REYNOLDS AND KRISTINA HIXSON'S MOTION  
TO DISMISS AMENDED COMPLAINT FOR  
LACK OF PERSONAL JURISDICTION OR IN THE  
ALTERNATIVE, TO JOIN DEFENDANT ACS'S MOTION TO DISMISS**

Defendants James T. Reynolds (“Reynolds”) and Kristina Hixson (“Hixson”) move to dismiss Plaintiff’s Amended Class Action Complaint, (Dkt. 46) as to them, because this Court lacks personal jurisdiction over them. In the alternative, should the Court find that personal jurisdiction exists, Reynolds and Hixson join Defendant Associated Community Services, Inc.’s (“ACS’s”) Rule 12(b)(6) Motion to Dismiss the Amended Complaint (anticipated to be filed on the same day as this motion, and to seek dismissal on the same bases as ACS’s earlier, now-moot Rule 12(b)(6) motion to dismiss, Dkt. 28). ACS’s motion and supporting memorandum provide alternative grounds for Plaintiff’s Amended Complaint be dismissed with prejudice as to

Reynolds and Hixson. In support of these motions, Reynolds and Hixson state as follows:

1. On March 28, 2016, Plaintiff filed his one-count Amended Class Action Complaint (Dkt 46), alleging Reynolds, Hixson, and others violated the Telephone Consumer Protection Act. *See* Dkt. 46 (“Am. Compl.”), ¶¶ 3, 22-44.

2. As stated more fully in their Memorandum in Support of this Motion, filed contemporaneously (“Memorandum”), this Court lacks personal jurisdiction over Reynolds and Hixson because they had *no* contacts with Illinois specific to this dispute, and have no contacts with Illinois generally.

3. As shown in Reynolds and Hixson’s Memorandum and supporting Declarations, the only Illinois contacts alleged by Plaintiff are those of defendant ACS, which cannot be attributed to Reynolds or Hixson because Reynolds and Hixson are unaffiliated with ACS and did not direct ACS’s actions.

4. For these reasons, and for all reasons stated in their Memorandum and supporting Declarations, Reynolds and Hixson respectfully move the Court to dismiss Plaintiff’s claims against them for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2) without jurisdictional discovery, as such discovery would be futile.

5. In the alternative, should the Court find that personal jurisdiction exists as to them, Reynolds and Hixson hereby join ACS’s Rule 12(b)(6) Motion to Dismiss the Amended Complaint. For all of the reasons stated in ACS’s Memorandum in Support of that Motion, Plaintiff’s Amended Complaint should be

dismissed pursuant to Fed. R. Civ. P. 12(b)(6) as to Reynolds and Hixson as well as to ACS.

6. Pursuant to this Court's case procedures regarding Motion Practice, counsel for Reynolds and Hixson conferred with Plaintiff's counsel by telephone regarding its intention to file this Motion and the reasons therefor. Plaintiff's counsel indicated their intention to object to this Motion.

Respectfully submitted,

**JAMES T. REYNOLDS AND  
KRISTINA HIXSON.**

Dated: April 14, 2016

By: /s/ Adam N. Hirsch  
One of Their Attorneys

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**Certificate of Service**

I, the undersigned, an attorney hereby certify that I caused a copy of the foregoing **James T. Reynolds and Kristina Hixson's Motion to Dismiss Amended Complaint for Lack of Personal Jurisdiction or in the Alternative, to Join Defendant ACS's Motion to Dismiss** to be served via CM/ECF upon all counsel on April 14, 2016.

/s/ Adam N. Hirsch  
Adam N. Hirsch